

INDIANAPOLIS, NOV. 14, 1846.

To Correspondents.
J. M. M., and several others. The proprietors of the papers here, (and we believe it is also elsewhere) by the way, do not have much to do with the "Indiana State Sentinel." Count the total number of thousands in plain matter, and charge at 40 cents per 1000 extra for composition, where rule and figure work. If figure work only, 30 cents extra. Advertising matter, \$1.25 per column for 4 weeks. The law is indefinite and contradictory; but the above seems to meet its intent. Certainly we should charge less for similar work.
Example—say job makes 40,000:
Extra composition - - - - - \$ 10.00
Squares, 100, at \$1.25 - - - - - 125.00
Sum charged - - - - - \$135.00
E. C.—South Bend.—Thanks for your kind offer, and we will endeavor to reproduce on all occasions.

Elections.

New York.—Young's majority will be in the neighborhood of 11,000. Gardiner, democrat, elected Lt. Governor. One whig and one democratic Canal Commissioner. Senate, say 10 democratic majority. House, probably 14 whig majority. Of the members of Congress, the democrats have probably elected 13, and the whigs 21. The present Congress stands 21 democrats, 9 whigs, and 4 natives.

New Jersey.—The Journal of Commerce gives the following as the state of the Legislature:—
New Jersey.—The Newark Advertiser of last evening gives to the democrats the five members of the Assembly from Monmouth county, and the member from Atlantic county, which before it had claimed for the whigs. This makes parties stand in the new Legislature as follows:

	Whig.	Dem.
Senate,	12	7
Assembly,	40	18
	52	25

Whig majority on joint ballot, 27; last year, 8; year before last, 29.

Michigan.—The Democracy of Michigan to the democracy of the Union, sends greeting:

A Democratic Senate!

A Democratic House of Representatives!

A Democratic Legislature that will elect a Democratic Senator!

Three Democratic Representatives in Congress!!!

Thus, after the 4th of March next, the Peninsular State sends to the councils of the nation an UNBROKEN DELEGATION IN BOTH HOUSES OF CONGRESS!!!

"Brevity is the soul of wit."

THE LEGISLATURE.—As far as heard, the democrats have elected nine of the 13 members of the Senate to be chosen. Of the nine members holding over, eight are democrats. The whigs, so far, have but one, or certain.

Of the House of Representatives, which consists of 60 members, the democrats have, as far as heard, elected forty-three, and the whigs thirteen. We do not undertake to speculate on the counties to hear from, but presume they will come in nearly as heretofore, which will make the democratic majority large enough for all practical purposes!—Free Press.

IOWA IS RIGHT ALL OVER, AND NO MISTAKE.

The Great "Equinoxial."

Which so lately devastated New York, and over which our Whig friends so lustily rejoice, and as they have a right to do, did not, as they fondly anticipated, extend to Iowa. The Iowa Capital Reporter, of the 4th inst., says: "So far as heard from the State ticket, including Congressmen, is some 450 votes ahead. The counties to be heard from will increase our majority about 200. This, under the circumstances is a most signal triumph of Democratic principles; although our majority would have been much larger if a full vote had been polled. In many, if not in most of the counties, the vote is unusually light; it being so far as heard from, only about six sixths as heavy as at the August election." This will do very well; and our Whig friends must recollect that all Iowa is bigger than the village of New York. Then, Wisconsin will thunder over Pennsylvania!—may be! **Louise Terrors!**!! We can't cry (o w) ie!

WHIG VS. WHIG.—The Courier and Enquirer and Tribune are the principal Whig papers of New York. The former compliments the latter as follows:

THE TRIBUNE'S FALSEHOODS.—We believe that in the estimation of most men, the editor of the Tribune has acquired the character of penning and publishing for expediency, more deliberate falsehoods than any person who has ever been connected with the Press in this country. Success with him, is every thing; and if he has an object to obtain, he will fit down and coin false statements by the hour, to accomplish his purpose. This is most true, repeatedly demonstrated that it is only occasionally we deem it necessary to expose his habitual mendacity. Occasionally, however, it becomes a duty to present him in his true colors.—Courier and Enquirer.

EDITORIAL COURTESY.—Talk about the abusive characteristics of Western editors will you? Listen to the Billingsgate of a New York editor against his neighbor:

"The long eared editor of the Advertiser, who, if report be true, is more remarkable for the popularity he gained in peddling quackery, than for any talents he possesses,—is endeavoring to win notoriety by publishing the most palpable falsehoods! The grossness of many of which would mantle the cheek of a half civilized Hottentot with blushes! A man that will lie as much as he does, would not scruple to steal the last rotten acorn from a blind swine!"

BEAT!—We acknowledge the beat; not any political beat, such as occurred in the small villages of Nook, and another called Pennsylvania, or some such outlandish name; but the beat, say, the BEATS, furnished us by our old friend ELIAS N. SUMNER, Esq. If they can be beaten, we should like to see the beats that can do it, always omitting the small beats of Nook, and the other village. Just call and see a couple sufficient to make pickles to sweeten a man for life.

The Legislature of Maine is down strong upon the patent-medicine men. At the last session a law was passed, providing, under heavy penalties, that "No medicine shall be exposed to sale without a label setting concisely the names of all the ingredients or simples of which such medicine is composed, and the proportion of each." All well enough, perhaps. But why not carry out the principle, and make all the doctors tell the public what they make their patients suffer from, and the why?

ATTEMPT TO POISON MIKE WALSH.—Mr. Walsh was lately elected to the New York Assembly on the Democratic ticket. The "Young America" of Nov. 7, says: "Just as our paper was going to press, I received information that Mr. WALSH is lying dangerously ill from the effects of poison administered to him on the night of the election. His physician has enjoined strict quietness." What will be tried next?

REMOVALS.—It is said that Mr. Hagner, the 3d Auditor, and Mr. Pleasanton, the 5th Auditor of the Treasury Department, are to be removed. They have been in office about thirty years. It is high time they should be removed.

Mr. Whitney has been addressing the Board of Trade and the citizens of Cincinnati in favor of his projected Oregon railroad. The meeting agreed to memorialize Congress on the subject. Mr. W. was subsequently at Louisville.

U. S. SENATOR.—The Legislature of Rhode Island has elected John H. Clarke, Whig, as United States Senator, to succeed the Hon. James F. Simmons for the term of six years, commencing on the 4th of March next.

JEAN BAPTISTE LE BRUN, now in this city, desires to hear from his brother, Auguste, who he thinks is in or near Decatur, Illinois.

The Indiana State Sentinel.

Published every Thursday.

INDIANAPOLIS, NOVEMBER 19, 1846.

[Volume VIII: Number 22.]

Lieutenant Governor Dunning.

We give place to-day, with much pleasure, to a communication from Lt. Gov. Dunning. We have thought all along, that the columns of the whig press of the State, against that gentleman, during his absence with the army, and when he had no opportunity of defending himself, were unjust and ungenerous. That they were unjust, it was only necessary to see their reckless and shameless slanders against Gov. Whitcomb in reference to his course with the volunteers at their camp in Floyd county last summer. In that county, it will be borne in mind, the Democrats lost the election for Senator, Representative, Clerk, &c. by decided majorities. Now if the tenth part of the charges of the whig press against him had been true, he must have fallen still farther behind in the vote, as the people of that county, being on the ground, must have known all about his conduct. Instead of that, Gov. W. actually got a majority in Floyd, the very place where the soldiers were encamped! What a severe rebuke was this to hypocritical, pharisaical demagogues! Did it cure them of this propensity—this itch—this mania for defamation? No. They only changed their object. Mr. Dunning was, fortunately for them, absent. And these chivalric gentlemen had the most convenient opportunity of striking him—in the back! If the presence of Gov. W. did not prevent them from assailing and wilfully misrepresenting him as to matters at home, the abuse of Lt. Gov. Dunning, at a distance of 2500 miles, afforded them a still stronger temptation to slander him as to matters abroad.

It will be borne in mind that many of the published letters of our volunteers contain complaints that they had not, after being months on the Rio Grande, received a letter or newspaper from Indiana. The defamers of Mr. Dunning could therefore malign him securely and without his knowledge. And on his arrival here, it is not wonderful that he should express his "astonishment" at these shameless attacks. Fortunately for the cause of justice, as we believe, he is now here, and will be fully able to defend himself, especially when the evidence which he has written for, shall arrive.

We intend no disrespect to the able editor of the Logansport Pharos in the above remarks. We have admired his courage. His paper has always been democratic—thoroughly orthodox. Our reckless opponents have felt the vigor of his arm in the canvass. But we believe he has been misinformed as to Mr. Dunning. We know not to what "letter" of a "strong democrat" our friend alludes, as justifying his remarks. But we do know that systematic attempts were made last summer at Camp Whitcomb to prejudice our noble hearted and inexperienced volunteers, especially if they were democrats, against Gov. W.—to make them believe that the usual and unavoidable hardships of a soldier's life were the consequence of his mismanagement, and to write home letters to that effect; and we have not the slightest doubt that the same disposition among some, whose whiggery is stronger than their patriotism, continued to be exerted against Lt. Gov. D. after the troops left our shores. If even the recent wounds of the brave, the gifted, the patriotic Butler could not shield him from the inconsistent charges, first of cowardice and then of fool-hardiness, urged by the hissing malignity of venomous politicians, merely because he was a democrat, how can Mr. Dunning hope to escape? We believe the "strong democrat" whose letter is referred to, was misinformed in the same way. We are confident that our friend Hall would be rejoiced to find his painful impressions without foundation.

From Lt. Gov. Dunning's communication, it will be seen—1st. That he was not a Suter. 2d. That the Suter is appointed by the Col., Lt. Col., and the Major of the respective Regiment. 3d. That those officers have the regulation of the prices of the articles themselves, and it is not reasonable to suppose, that in return for the confidence of their soldiers, who had given them their officers, they would suffer them to be treated unjustly, even if the Suter were so disposed.

It also appears that the soldier is at liberty to buy where he can buy the cheapest. The Government furnishes him with provisions and clothing, and if he thinks proper he has the liberty of buying of the sutler any additional articles. Even then, as before remarked, the regimental officers have a control as to the prices, to prevent extortion. It further appears that Mr. Dunning was ignorant of the procuring of the three or four barrels of whisky, (purchased by another), and was opposed to it, and that the sale did not continue beyond eight or ten days. But above all, and as we expected, it appears that the prices of the articles as stated, are generally from one hundred to three hundred per cent. beyond the truth. We think this exposition of falsehood by Mr. D. will be satisfactory to most unprejudiced minds, and at all events, that judgment will be suspended until the expected evidence appears. The Whig press, too, have an opportunity of showing by what principle they are governed, accordingly as they do, or do not, admit Mr. D.'s communication into their columns.

With respect to the letter attributed to Capt. T. B. Kinder, and published in the Paoli Patriot, we are by no means satisfied that he is the author of it. Ever since the Captain left the Whig party, he has had the friendship (and has received substantial evidences of it too), from the Democratic members of the Legislature and others of that party, and we don't believe that he would write such a letter of one so highly honored by a party which had so greatly favored the Captain, especially as it might be attributed to his greater attachment to another person for an office for which some may think Mr. Dunning might be called on to fill. Besides, such a letter does not seem to us characteristic of that modesty of a young man like Captain Kinder, which his friends proudly claim for him.

Q.—A great fiddler, high "M. Sivi," is doing wonders on catgut in the eastern cities. The N. Y. correspondent of the "Union" says, an anonymous Dutch poet in Albany—some "mute inglorious Milton" of the Helderberg—pays him in a late Albany Herald the following tribute:

"My dear Sivi's son pig little man:
He do pig things what no other man can.
His fiddle speaks fine, den shepkins coarse;
It speaks low Dutch pater as Pock's vix horse.
He plays on three shirring pater as four;
And ded on two shirring pater as more.
But, as Yankee say, to do 'rot's all';
He plays on one shirring pater as all!"

This is certainly the greatest triumph yet won by the fiddle.

The jury in the case of Miss Croes, who married her father's gardener in New Jersey, decided that she was insane at the time of her marriage. He was poor—she was rich.

Hats are now manufactured in Cincinnati by steam. Wonder how much corn and wheat the engines will consume!

The License Law.

It will be recollected that the last Legislature passed a law relative to the granting of licenses to retail spirituous liquors in Marion county—to the effect, that the voters in the respective townships might decide by vote whether the county commissioners should or should not grant licenses according to the Statute law in force. The result has led to numerous evasions of the law and to no inconsiderable number of indictments by implication and otherwise. These indictments are not sustained by the Court, and neither ought, nor, in our opinion, can they be. We are as much in favor of the Temperance cause, as any one. But we are not to be made so bigoted and mad on the subject as to kill ourselves by drinking all the liquor to save others!! The result of the efforts of a few, who lead many, in their anxiety to be over-righteous in this respect, is, no doubt, to open the door to indiscriminate sales, and the loss of revenue. It shows, also, the necessity for more care in legislation. Entertaining these views, we sought the opinions of others on the subject, and present the following from an able counsellor. If it can be shown to be incorrect, we shall accordingly "reverse our judgment."

I have been requested to give a legal opinion on the following question: "Is the selling of spirituous liquors in a less quantity than a quart, an indictable offence in Centre township?" The solution of it depends on the effect of three several enactments. By one of these, it is declared that "Every person 'not being licensed according to the laws in force at the time to vend spirituous liquors by retail, who shall barter or sell any spirituous liquors to be drunk 'in his or her house, out-house, yard, or garden, or 'appurtenance thereto belonging, or who shall barter 'or sell any such spirituous liquor by a less quantity than a quart at a time, shall be fined in any sum not less than two dollars nor more than twenty dollars." See Revised Statutes p. 979.

The expression in the above Statute, "Every person 'not being licensed according to the laws in force at the time," renders it necessary to ascertain who are within its penalties, to inquire, what was the law in force at the time.

This inquiry is answered by referring to the law on the subject of specific taxes for county purposes. See Revised Statutes p. 235, which enacts that "there shall be assessed and paid into the county treasury 'for county expenditures the following taxes,' among other taxes enumerated. 'For each license to vend 'or retail spirituous liquors not less than ten 'or more than two hundred dollars.' The penalty consequent on a violation of this law is thus expressed: 'Every person who shall transact or carry on 'any business above specified, without first procuring 'the license required, for each and every such offence shall be liable to an action in the name of the 'county treasurer for the amount of such tax before 'any Justice of the Peace, and if judgment shall be 'rendered for the plaintiff, damages shall likewise 'be awarded to four times the amount of such tax.' It is evident from the whole language and spirit of this latter act, that it is essentially a law made to raise revenue; that the only offence which can be committed under it, is selling without license and payment of the required tax. For this, a penalty of four times the amount of the tax is awarded. The Statute just quoted goes a step farther, and superadds to the quadruple tax, a penalty of not less than two nor more than twenty dollars.

There yet remains to be noticed the Statute of 1840, entitled "An act giving the rights to the voters of 'Marion county to decide as to authorizing licences 'to retail spirituous liquors in their townships." This act provides "That hereafter it shall not be lawful 'for the board doing county business to grant any 'license to retail spirituous liquors in any township 'in said county, unless a majority of the qualified 'voters of such township are in favor of such license 'being granted.' It further adds that a vote of license or no license shall be taken, and if the majority be in favor of the latter, the commissioners shall and are prohibited from granting any. It contains no provision declaring the sale of liquor by retail a penal offence in the abstract. The vote of the people of Centre township in pursuance of this Statute was taken and declared to be against the license act. The commissioners, obedient to that vote and the enactment in question, grant no license.

Now what is the effect of the passage of this law, the vote taken in conformity to it, and the prohibition upon the commissioners consequent upon it, from licensing retailers? If it has any legal operation at all, it goes to repeal in Centre township the State revenue law which had declared it penal to sell without license and payment of a tax. If this original law creating the offence be obliterated, what becomes of the amendatory enactment which simply attaches additional penalties for that very offence? It seems to be entirely inoperative. The expression contained in it,—"Every person not being licensed according to the laws in force at the time," presupposes a law susceptible of violation and designates the persons capable of violating it. The law taken away, there is no person within its purview.

Again, selling liquor by retail under a given quantity is not an offence at common law. It requires therefore an express act of legislation to make it an offence. It cannot be done by implication. If the Statute in place of the words "Every person not being licensed and who shall barter, &c.," read "Every person who shall barter, &c.," it might then be held an abstract penal offence to retail. This, however, would be an amendment of the law which the legislature alone has the constitutional power to make. A court of justice which would thus amend the Statute would commit an act of judicial legislation.

I am of opinion that according to the written law of the State, the selling of spirituous liquor by retail in Centre township in any quantity is not indictable by Statute, but an existing right at common law.

JOHN B. THOMPSON,
Counsellor at Law.

Q.—Mr. D. S. Duty of this place, was dangerously, if not mortally, wounded, day before yesterday, by a blow on his head, inflicted by a Mr. Sherman, with a sledge-hammer. The two were employed in Mr. Butler's mill, in this town. Some matter of difference arose between them, as we understand as stated by a little boy, the only person present at the time of the affray; and some angry words passed between them when Sherman drew a hammer and inflicted a blow on the head of Duty which felled him to the floor as dead. Sherman then made his escape, leaving his hat and coat in the mill. We understand he has fled to New Albany, Ind., to which place he has likely gone. Duty is yet lying, but from the nature of his wound it is thought he cannot recover.—Columbus, La. Gazette, Nov. 11.

Professor Kirkland, the author of "A Home in the West," "Who'll Follow," &c., was drowned in the North River, at Newburg, lately.

Daniel Webster has been nominated to the Presidency by a whig convention in New Hampshire.

Communication from Lieut. Governor Dunning.

MESSES. CHAPMAN.—Since my arrival in Indiana, I have learned with regret, and no small degree of astonishment, that I have been made the subject of newspaper attack, since the election, on account of my connection with Mr. P. M. Kent, Suter for the 2d Regiment of Indiana Volunteers.

I feel myself called upon as a citizen, to set the public mind right upon this matter; and more particularly do I feel myself called upon to make a public explanation of my conduct, to my political friends in Indiana, who have manifested their confidence and regard for me during my absence from the State.

I understand it has been reported that I really sought and obtained the appointment of Suter to one or more of the Regiments of Indiana troops, and that after I had obtained the appointment, I was engaged in shamefully imposing upon the State.

I will give a brief history of this whole matter, for the truth of which, I appeal to men of the army. And I now declare, that I challenge the strictest scrutiny into my conduct whilst connected with the army. By the judgment of those who know me, and the course I pursued towards all men, with whom I had business to transact, I shall not be surprised to find that I have been justly and honestly treated.

In May last, after the requisition for troops was made by the President upon Indiana, I was actively engaged with others, in addressing my fellow citizens and urging them to volunteer their services, at the call of their country. I likewise volunteered my services. At the time I volunteered, I was actively engaged in prosecuting the political campaign for Governor and Lieutenant Governor. A long string of appointments had previously to that time been made for me, which it was agreed by the prominent members of the volunteer company, including the officers and others, without distinction of party, that I should fill. Indeed it was distinctly understood that I should be allowed to prosecute that canvass, until the troops were sent to the Rio Grande. I had been engaged to fill nearly all of them and afterwards met the troops at New Albany. The circumstances beyond my control, which in spite of my own desire, and of my Company, prevented my being mustered into service as a member of it, it is presumed are already known to the public, as they are to men of the army. They can be satisfactorily established at any time should a public hearing be desired. It is a sufficient proof of my wish to go, (notwithstanding the written remonstrance of a number of my political friends as to the course I had taken,) that I then received from Colonel James H. Lane the appointment of Quarter Master in his Regiment. After he also had received staff appointments. Other gentlemen would have been made known to Colonel Lane, he informed the gentlemen making them, that from a very recent enactment of Congress upon the subject, the power of appointment was reserved in the President. Immediately Gov. Whitcomb drew up a recommendation in my favor for that office and signed it, (I think,) himself, and it was signed by every Regimental officer of the three Regiments (I believe) and by every Captain and Company of the 2d Regiment, and with other recommendations for other gentlemen it was forwarded on to Washington city. Some two or three days before they possibly could have reached Washington city, we received through the papers the news of the appointments of other men to fill all the offices that were to be filled in the army. Foiled at this point, I still determined to go. Many gentlemen connected with the army, and a number of others, without distinction of party (who felt great anxiety to have some one along to furnish the volunteers with such necessary articles as they might need) entered into an agreement in writing, that the Suters to the 2d and 3d Regiments would pay the amount of purchases to their creditors as they were made, and would not demand payment until they had received pay from the Government. Mr. P. M. Kent had been appointed Suter to the 2d Regiment; his brother, Bela C. Kent, had received the appointment of Suter to the 3d Regiment. A co-partnership was offered me. Some of my friends advised me to accept of the offer. I did so. This would leave it in my power to engage at any time active service if a suitable occasion presented itself, according to my original intentions. We accordingly proceeded to New Orleans. There Mr. P. M. Kent and his brother and myself became discouraged about the business, from the reports we had heard of the bad success of others engaged in similar transactions. We declined proceeding further on the matter, and returned to Indiana. I had a number of other officers, without distinction of party (who felt great anxiety to have some one along to furnish the volunteers with such necessary articles as they might need) entered into an agreement in writing, that the Suters to the 2d and 3d Regiments would pay the amount of purchases to their creditors as they were made, and would not demand payment until they had received pay from the Government. Mr. P. M. Kent had been appointed Suter to the 2d Regiment; his brother, Bela C. Kent, had received the appointment of Suter to the 3d Regiment. A co-partnership was offered me. Some of my friends advised me to accept of the offer. I did so. 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